

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL PRETRIAL MINUTES

JUDGE WILLIAM ALSUP

Date: July 18, 2006

Case No.: CR 05-0611- WHA

Title: UNITED STATES -v- Dale Heineman (custody) (Pro Se)  
UNITED STATES -v- Kurt Johnson (custody) (Pro Se)  
UNITED STATES -v- Farrel J. Lecompte  
UNITED STATES -v- Charles Tobias (custody)

Appearances:

For the Government: James Keller, Peter Axelrod

For the Defendant: For Farrel J. Lecompte: Matthew Jacobs  
For Charles Tobias : Josh Cohen

Interpreter: N/A

Probation Officer: N/A

Deputy Clerk: Edward Butler

Court Reporter: Katherine Powell

E-filing

**FILED**

JUL 18 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**PROCEEDINGS**

- 1) Motion / Trial Setting.
- 2) \_\_\_\_\_

Case continued to 9/5/06 at 2:00 p.m. for Status/Plea/Trial Setting

Case continued to \_\_\_\_\_ for Pretrial Conference

Case continued to \_\_\_\_\_ for Jury Trial

Time Excluded: **Begins: 7/18/06**      **Ends: 9/6/06**

**ORDERED AFTER HEARING:**

- 1) Deputy US Marshal Brad (last name unknown) informs the court about a dangerous item found in defendant Tobias' materials. The court directs the marshal to contact defendant Tobias' case officer at the correctional facility to clear any misunderstanding about the item.
- 2) The court will refer the pending Mandate, regarding Defendant Heineman and Johnson, that is treated as a Motion to Recuse, to the District Court's Reassignment Committee, where it will be handled in its entirety by another member of the court.

- 3) Defendant Lecompte has until 8/15/06 to file or join the motion to recuse.
- 4) Defendants Heineman and Johnson submit new pleadings with the court:
  - A. Amended Cross-Complaint. The clerk is allowed to file the pleading, however no party is obligated to respond.
  - B. Summons and Subpoenas. The Government is directed to first review the materials and determine whether the materials are meritorious and require a response. The Government will respond within one week. The clerk hands the tendered materials to the Government.
  - C. "Order of Dismissal." The clerk is directed to place the materials in an envelope, to be placed in the file, with a cover sheet indicated that the court has determined that what is contained in the envelope is not a legitimate order of the court.

- 5) The court finds that for the reasons stated, for effective preparation of counsel and complexity of the case, time is excluded from Speedy Trial Act calculations from 7/18 to 9/5/06, and that the excludable time applies to all the defendants of the case.